

REMARKS

The Examiner rejected claims 8-9, 13-14 under 35 U.S.C. § 102(e) as allegedly being anticipated by Lindeman *et al.* (US 2003/0009698).

The Examiner rejected claims 3-5, 15, 17-18 and 20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lindeman in view of Leeds (US 2002/0016824).

The Examiner rejected claims 6-7, 10-11, 16 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the modified Lindeman and Leeds system and further in view of Liu *et al.* (US 6,760,752).

Applicants respectfully traverse the § 102(e) and § 103(a) rejections with the following arguments.

35 U.S.C. § 102(e)

The Examiner rejected claims 8-9, 13-14 under 35 U.S.C. § 102(e) as allegedly being anticipated by Lindeman *et al.* (US 2003/0009698).

The Examiner's rejection of claims 8, 9, 13, and 14 is based on citations to selected paragraphs of Lindeman, without supporting analysis. Without supporting analysis, the Examiner has impermissibly shifted the burden of proof to Applicants. In addition, Applicants are forced to guess as to how the Examiner reasoned that the cited paragraphs of Lindeman teach the features of claims 8, 9, 13, and 14, which does not promote efficient prosecution of the present patent application. If the Examiner truly believes that the cited paragraphs of Lindeman teach the features of claims 8, 9, 13, and 14, then the Examiner should reveal the Examiner's analysis that allegedly supports the rejection. The Examiner's failure to do so is unreasonable and unfair to Applicants. Moreover, Applicants respectfully contend that the Examiner's allegation, not supported by accompanying analysis, has no persuasive value.

Accordingly, Applicants respectfully request that the rejection of claims 8, 9, 13, and 14 under 35 U.S.C. § 102(e) either be withdrawn or reissued with supporting analysis.

Applicants next present arguments to traverse the rejection of claims 8, 9, 13, and 14. The following arguments are based on the best judgment by Applicants as to how the Examiner may have reasoned that the cited paragraphs of Lindeman teach the features of claims 8, 9, 13, and 14.

Applicants strongly protest that the Examiner has impermissibly shifted the burden of proof to Applicants.

Claim 8

Applicants respectfully contend that Lindeman does not anticipate claim 8, because Lindeman does not teach each and every feature of claim 8.

As a first example of why does not anticipate claim 8, Lindeman does not teach the feature: “responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail” (emphasis added). Applicants respectfully contend that the preceding allegation by the Examiner has no persuasive value.

With respect to Lindeman, Paragraphs 83-84, if the sender is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 83-84 do not teach determining whether the sender is expected to be present in an open field of the electronic mail.

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 103-106 do not teach determining whether the CZID is expected to be present in an open field of the electronic mail.

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

As a second example of why does not anticipate claim 8, Lindeman does not teach the feature: “responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present” (emphasis added).

With respect to Lindeman, Paragraphs 83-84, if the sender is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 83-84 do not teach:

responsive to determining that the sender is expected to be present, determining whether the sender is present.

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then the test of whether the CZID is present in the message (see step 708 in the flow chart of Sheet 7 of Lindeman) is not responsive to determining that the CZID is expected to be present in an open field of the electronic mail, but is instead responsive to determining that the tunnel password is not present in the message (see step 704 in the flow chart of Sheet 7 of Lindeman).

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

Therefore, Lindeman, Paragraphs 103-106 do not teach the preceding feature of claim 8.

As a third example of why does not anticipate claim 8, Lindeman does not teach the feature: “responsive to determining that the authentication key is not expected to be present, accepting the electronic mail”.

With respect to Lindeman, Paragraphs 83-84, if the sender is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 83-84 do not teach: responsive to determining that the sender is not expected to be present in the open field of the electronic mail, accepting the electronic mail.

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 103-106 do not teach: responsive to determining that the CZID is not expected to be present in the open field of the

electronic mail, accepting the electronic mail.

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

Therefore, Lindeman, Paragraphs 103-106 do not teach the preceding feature of claim 8.

Based on the preceding arguments, Applicants respectfully maintain that Lindeman does not anticipate claim 8, and that claim 8 is in condition for allowance.

Claim 9

Applicants respectfully contend that Lindeman does not anticipate claim 9, because Lindeman does not teach each and every feature of claim 9.

As a first example of why does not anticipate claim 9, Lindeman does not teach the feature: “responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail” (emphasis added).

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 103-106 do not teach determining whether the CZID is expected to be present in an open field of the electronic mail.

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

As a second example of why does not anticipate claim 9, Lindeman does not teach the

feature: “responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present” (emphasis added).

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then the test of whether the CZID is present in the message (see step 708 in the flow chart of Sheet 7 of Lindeman) is not responsive to determining that the CZID is expected to be present in an open field of the electronic mail, but is instead responsive to determining that the tunnel password is not present in the message (see step 704 in the flow chart of Sheet 7 of Lindeman).

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

Therefore, Lindeman, Paragraphs 103-106 do not teach the preceding feature of claim 9.

As a third example of why does not anticipate claim 9, Lindeman does not teach the feature: “responsive to determining that the authentication key is not present, rejecting the electronic mail”.

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 103-106 do not teach: responsive to determining that the CZID is not present, rejecting the electronic mail. In particular, the CZID not being present is not a sufficient condition for rejecting the electronic mail. In order to reject the electronic mail if the CZID is not present, the sender must not be a trusted sender and must appear in a blacklist senders' list, which Lindeman teaches in steps 716 and 724 (as explained in Paragraphs 104 and 105).

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

Therefore, Lindeman, Paragraphs 103-106 do not teach the preceding feature of claim 9.

Based on the preceding arguments, Applicants respectfully maintain that Lindeman does not anticipate claim 9, and that claim 9 is in condition for allowance.

Claim 13

Applicants respectfully contend that Lindeman does not anticipate claim 13, because Lindeman does not teach each and every feature of claim 13.

As a first example of why does not anticipate claim 13, Lindeman does not teach the feature: “responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail” (emphasis added).

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 103-106 do not teach determining whether the CZID is expected to be present in an open field of the electronic mail.

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

As a second example of why does not anticipate claim 13, Lindeman does not teach the

feature: “responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present” (emphasis added).

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then the test of whether the CZID is present in the message (see step 708 in the flow chart of Sheet 7 of Lindeman) is not responsive to determining that the CZID is expected to be present in an open field of the electronic mail, but is instead responsive to determining that the tunnel password is not present in the message (see step 704 in the flow chart of Sheet 7 of Lindeman).

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

Therefore, Lindeman, Paragraphs 103-106 do not teach the preceding feature of claim 13.

As a third example of why does not anticipate claim 13, Lindeman does not teach the feature: “responsive to determining that the authentication key is not present in the open field of the electronic mail, rejecting the electronic mail”.

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 103-106 do not teach: responsive to determining that the CZID is not present, rejecting the electronic mail. In particular, the CZID not being present is not a sufficient condition for rejecting the electronic mail. In order to reject the electronic mail if the CZID is not present, the sender must not be a trusted sender and must appear in a blacklist senders' list, which Lindeman teaches in steps 716 and 724 (as explained in Paragraphs 104 and 105).

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

Therefore, Lindeman, Paragraphs 103-106 do not teach the preceding feature of claim 13.

Based on the preceding arguments, Applicants respectfully maintain that Lindeman does not anticipate claim 13, and that claim 13 is in condition for allowance.

Claim 14

Applicants respectfully contend that Lindeman does not anticipate claim 14, because Lindeman does not teach each and every feature of claim 14.

As a first example of why does not anticipate claim 14, Lindeman does not teach the feature: “responsive to receiving the electronic mail, determining whether an authentication key is expected to be present in an open field of the electronic mail” (emphasis added).

respectfully contend that the preceding allegation by the Examiner has no persuasive value.

With respect to Lindeman, Paragraphs 83-84, if the sender is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 83-84 do not teach determining whether the sender is expected to be present in an open field of the electronic mail.

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 103-106 do not teach determining whether the CZID is expected to be present in an open field of the electronic mail.

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not

teach that the CZID may be in an open field of the electronic mail.

As a second example of why does not anticipate claim 14, Lindeman does not teach the feature: “responsive to determining that the authentication key is expected to be present, determining whether the authentication key is present” (emphasis added).

With respect to Lindeman, Paragraphs 83-84, if the sender is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 83-84 do not teach: responsive to determining that the sender is expected to be present, determining whether the sender is present.

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then the test of whether the CZID is present in the message (see step 708 in the flow chart of Sheet 7 of Lindeman) is not responsive to determining that the CZID is expected to be present in an open field of the electronic mail, but is instead responsive to determining that the tunnel password is not present in the message (see step 704 in the flow chart of Sheet 7 of Lindeman).

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

Therefore, Lindeman, Paragraphs 103-106 do not teach the preceding feature of claim 14.

As a third example of why does not anticipate claim 14, Lindeman does not teach the feature: “responsive to determining that the authentication key is not expected to be present, accepting the electronic mail”.

With respect to Lindeman, Paragraphs 83-84, if the sender is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 83-84 do not teach: responsive to determining that the sender is not expected to be present in the open field of the electronic mail, accepting the electronic mail.

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 103-106 do not teach: responsive to determining that the CZID is not expected to be present in the open field of the electronic mail, accepting the electronic mail.

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

Therefore, Lindeman, Paragraphs 103-106 do not teach the preceding feature of claim 14.

As a fourth example of why does not anticipate claim 14, Lindeman does not teach the feature: “responsive to determining that the authentication key is not present, rejecting the electronic mail”.

With respect to Lindeman, Paragraphs 103-106, if the CZID is alleged to be the claimed authentication key, then Applicants assert that Lindeman, Paragraphs 103-106 do not teach: responsive to determining that the CZID is not present, rejecting the electronic mail. In particular, the CZID not being present is not a sufficient condition for rejecting the electronic mail. In order to reject the electronic mail if the CZID is not present, the sender must not be a trusted sender and must appear in a blacklist senders' list, which Lindeman teaches in steps 716 and 724 (as explained in Lindeman, Paragraphs 104 and 105).

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

Therefore, Lindeman, Paragraphs 103-106 do not teach the preceding feature of claim 14.

As a fifth example of why does not anticipate claim 14, Lindeman does not teach the feature: “responsive to determining that the authentication key is present, determining whether the authentication key is associated with both the originator and the recipient; responsive to determining that the authentication key is associated with both the originator and the recipient, accepting the electronic mail; responsive to determining that the authentication key is not associated with both the originator and the recipient, rejecting the electronic mail”.

With respect to Lindeman, Paragraphs 103-106, Lindeman, Paragraphs 102-103 teach conditional action based on whether the message is associated with the sender but does not consider the issue of whether the message or CZID is associated with the recipient.

In addition, Lindeman teaches that the CZID may be in the electronic mail, but does not teach that the CZID may be in an open field of the electronic mail.

Therefore, Lindeman, Paragraphs 103-106 do not teach the preceding feature of claim 14.

Based on the preceding arguments, Applicants respectfully maintain that Lindeman does not anticipate claim 14, and that claim 14 is in condition for allowance.

In “Response to Arguments”, the Examiner makes the following comment with respect to claims 8, 9, 13, and 14: “With respect to Applicant's arguments Lindeman discloses a general

process flow in figures 4 and 5 and further details this flow in figure 7. In paragraph 83, **Lindeman discloses determining if a key is expected to be present, i.e. if the sender isn't approved or trusted.** Lindeman also teaches if it is expected and not present rejecting the email in paragraph 84. The details of authenticating the key are disclosed in paragraphs 98-106. Therefore figures 4, 5 and 7 with their descriptions in paragraphs 83-84 and 98-106 disclose the limitations of claims 8-9 and 13-14.” (emphasis added).

In response, Applicants respectfully contend that the Examiner has incorrectly equated the issue of whether an authentication key is expected to be present with the issue of whether the sender is approved or trusted. Assuming that the Examiner is alleging that the CZID is the authentication key, Lindeman does not teach equating the issue of whether the CZID is expected to be present with the issue of whether the sender is approved or trusted. Lindeman does not even consider the issue of whether the CZID expected to be present.

Specifically, Lindeman teaches determining whether the sender is trusted or approved in steps 716 and 724 of Sheet 7 (see also Lindeman, Paragraphs 104-105) only after having determined in step 708 that the CZID is not in the message. Based on Paragraph 105 in Lindeman, Lindeman does not teach that whether the sender is or is not a trusted sender has any relationship to whether the CZID expected to be present. Based on Paragraph 105 in Lindeman, Lindeman does not teach that whether the sender is or is not approved has any relationship to whether the CZID expected to be present, but rather depends on whether the sender's or recipient's e-mail address is in a blacklist group list.

Therefore, Applicants respectfully contend that the Examiner's preceding comment in “Response to Arguments” is not persuasive.

35 U.S.C. § 103(a): Claims 3-5, 15, 17-18 and 20

The Examiner rejected claims 3-5, 15, 17-18 and 20 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lindeman in view of Leeds (US 2002/0016824).

The Examiner's rejection of claims 3-5, 15, 17-18 and 20 is based on citations to selected paragraphs of Lindeman and Leeds, without supporting analysis. Without supporting analysis, the Examiner has impermissibly shifted the burden of proof to Applicants and therefore does not establish a *prima facie* case of obviousness. In addition, Applicants are forced to guess as to how the Examiner reasoned that the cited paragraphs of Lindeman and Leeds teach the features of claims 3-5, 15, 17-18 and 20 , which does not promote efficient prosecution of the present patent application. If the Examiner truly believes that the cited paragraphs of Lindeman and Leeds teach the features of claims 3-5, 15, 17-18 and 20 , then the Examiner should reveal the Examiner's analysis that allegedly supports the rejection. The Examiner's failure to do so is unreasonable and unfair to Applicants and does not establish a *prima facie* case of obviousness. Moreover, Applicants respectfully contend that the Examiner's allegation, not supported by accompanying analysis, has no persuasive value.

Accordingly, Applicants respectfully request that the rejection of claims 3-5, 15, 17-18 and 20 under 35 U.S.C. § 103(a) either be withdrawn or reissued with supporting analysis.

Applicants next present arguments to traverse the rejection of claims 3-5, 15, 17-18 and 20 . The following arguments are based on the best judgment by Applicants as to how the Examiner may have reasoned that the cited paragraphs of Lindeman and Leeds teach the features of claims 3-5, 15, 17-18 and 20 .

Applicants strongly protest that the Examiner has impermissibly shifted the burden of

proof to Applicants. Shifting the burden of proof to Applicants does not establish a *prima facie* case of obviousness. Applicants have a responsive burden only after the Examiner has established a *prima facie* case of obviousness.

Claims 3-5 and 15

Applicants respectfully contend that claim 3 is not unpatentable over Lindeman in view of Leeds, because Lindeman in view of Leeds does not teach or suggest each and every feature of claim 3. For example, Lindeman in view of Leeds does not teach or suggest the feature: “storing an authentication key associated with an originator in a memory of the originator; reading the authentication key from the memory of the originator; preparing electronic mail for sending from the originator to a recipient, said preparing comprising including the authentication key, that had been read from the memory of the originator, in an open field of the electronic mail; and sending the electronic mail from the originator to the recipient”.

The Examiner argues: “As per claim 3, Lindeman fails to disclose storing and reading an authentication key associated with an originator in a memory of the originator.... However, Leeds teaches such storing and reading of an authentication key (see paragraphs 36 and 37).”

In response, Applicants respectfully contend that Leeds, Paragraphs 36-37 does not disclose “storing an authentication key associated with an originator in a memory of the originator; reading the authentication key from the memory of the originator” as alleged by the Examiner. Applicants cannot find the preceding limitation in Leeds, Paragraphs 36-37.

The Examiner has not provided any analysis of Leeds, Paragraphs 36-37 to support the Examiner allegation that Leeds, Paragraphs 36-37 teaches “storing an authentication key

associated with an originator in a memory of the originator; reading the authentication key from the memory of the originator”. Applicants do not have the slightest idea of how the Examiner reaches the conclusion that Leeds, Paragraphs 36-37 teaches “storing an authentication key associated with an originator in a memory of the originator; reading the authentication key from the memory of the originator”. Applicants do not have any way of knowing whether the Examiner really has any credible argument to support the Examiner’s allegation that Leeds, Paragraphs 36-37 teaches “storing an authentication key associated with an originator in a memory of the originator; reading the authentication key from the memory of the originator”.

Basically, the Examiner is being unfair to Applicants by not providing analysis to support the Examiner’s allegation. Moreover, Applicants consider the Examiner’s allegation to have no persuasive value in the absence of supportive argumentation and represents an attempt by the Examiner to impermissibly shift the burden of proof to Applicants. Therefore, Applicants respectfully contend that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claim 3.

In any event, Applicants respectfully contend that the only authentication key in an open field of the electronic mail in Leeds, Paragraphs 36-37 is “**a known key phrase** in the subject line of the message so that the recipient would know immediately that this sender is not trustworthy” (emphasis added), which appears in Leeds, Paragraph 36. However, Leeds does not teach that the “known key phrase” is stored in a memory of the originator and read from the memory of the originator. In fact, the originator has nothing to do with the known key phrase and it is the recipient, rather than the originator, that is made aware of the known key phrase. Moreover, Leeds, Paragraph 36 does not disclose storing and reading of the known key phrase in

any memory.

In further response, respectfully contend that the Examiner's argument for incorporating the alleged teaching of Leeds into the system of Lindeman is not persuasive.

The Examiner argues: "At the time of the invention it would have been obvious to a person of ordinary skill in the art to store and read the authentication key of Lindeman from memory.... Motivation to do so would have been to determine when email is junk email (see paragraph 36)."

In response, Applicants assert that Leeds, Paragraph 36 does not teach that the determination of when email is junk email is facilitated by performance of "storing an authentication key associated with an originator in a memory of the originator; reading the authentication key from the memory of the originator". Rather, Leeds, Paragraph 36 teaches that "the authenticator would potentially be receiving additional information on whether or not a message was a junk e-mail while the message was present in a user's inbox", which is how Lindeman determines when email is junk email.

Based on the preceding argument, Applicants respectfully contend that claim 3 is not unpatentable over Lindeman in view of Leeds and is in condition for allowance. Since claims 4-5 and 15 depend from claim 3, Applicants contend that claims 4-5 and 15 are likewise in condition for allowance.

In addition with respect to claim 15, Applicants respectfully contend that Lindeman in view of Leeds does not teach or suggest the feature: "wherein the authentication key is dependent

upon only an identity of the originator”.

The Examiner argues: “the modified Lindeman and Leeds system discloses the authentication key is dependent upon only an identity of the originator (see Leeds paragraphs 36 and 37).”

In response, Applicants maintain that the Examiner has not provided motivation from the prior art for modifying Lindeman with the alleged teaching of Leeds with respect to the feature: “wherein the authentication key is dependent upon only an identity of the originator”.

In addition, any such modification of Lindeman would destroy the teaching of the CZID of Lindeman, wherein the CZID is essential to Lindeman’s invention. See Lindeman, Paragraph 29 (“The CZID is **necessary** to authenticate the confirmation message” (emphasis added)). Moreover, the CZID is not dependent upon only an identity of the originator. See Lindeman, Paragraph 31 (“The term “CZID” is an MD5 hash of the original sender address, the original destination address, and a secret string. A valid CZID is used to authenticate a message, the source email address, **and the destination email address** to Spam filter” (emphasis added)). Therefore, the Examiner’s suggested modification of Lindeman would destroy Lindeman’s invention.

Based on the preceding argument, Applicants respectfully contend that claim 15 is not unpatentable over Lindeman in view of Leeds.

Claims 17-18 and 20

Since claims 17, 18, and 20 depend respectively from claims 8, 9, and 13, which

Applicants have argued *supra* to not be unpatentable over Lindeman under 35 U.S.C. §102(e), Applicants maintain that claims 17, 18, and 20 are likewise not unpatentable over Lindeman in view of Leeds under 35 U.S.C. §103(a).

In addition, with respect to claims 17, 18, and 20, Applicants respectfully contend that Lindeman in view of Leeds does not teach or suggest the feature: “wherein the authentication key is dependent upon only an identity of the originator”.

The Examiner argues: “the modified Lindeman and Leeds system discloses the authentication key is dependent upon only an identity of the originator (see Leeds paragraphs 36 and 37) .”

In response, Applicants maintain that the Examiner has not provided motivation from the prior art for modifying Lindeman with the alleged teaching of Leeds with respect to the feature: “wherein the authentication key is dependent upon only an identity of the originator”.

In addition, any such modification of Lindeman would destroy the teaching of the CZID of Lindeman, wherein the CZID is essential to Lindeman’s invention. See Lindeman, Paragraph 29 (“ The CZID is **necessary** to authenticate the confirmation message” (emphasis added)). Moreover, the CZID is not dependent upon only an identity of the originator. See Lindeman, Paragraph 31 (“The term “CZID” is an MD5 hash of the original sender address, the original destination address, and a secret string. A valid CZID is used to authenticate a message, the source email address, **and the destination email address** to Spam filter” (emphasis added)). Therefore, the Examiner’s suggested modification of Lindeman would destroy Lindeman’s invention.

Based on the preceding argument, Applicants respectfully contend that claims 17, 18, and

20 are not unpatentable over Lindeman in view of Leeds.

35 U.S.C. § 103(a): Claims 6-7, 10-11, 16 and 19

The Examiner rejected claims 6-7, 10-11, 16 and 19 under 35 U.S.C. § 103(a) as allegedly being unpatentable over the modified Lindeman and Leeds system and further in view of Liu *et al.* (US 6,760,752).

Claims 6-7 and 16

Applicants respectfully contend that claim 6 is not unpatentable over Lindeman and Leeds in further view of Liu, because Lindeman and Leeds in further view of Liu does not teach or suggest each and every feature of claim 6.

As a first example of why claim 6 is not unpatentable over Lindeman and Leeds in further view of Liu, Lindeman in view of Leeds does not teach or suggest the feature: “storing an authentication key in a memory of a recipient of the electronic mail at an address that is dependent upon a source identifier that identifies an originator of the electronic mail”.

The Examiner argues: “The modified Lindeman and Leeds system fails to disclose the address at which the key is stored is dependent upon a source identifier that identifies the originator. However, Liu et al teaches such addressing (see column 19 line 57 through column 20 line 14).”

In response, Applicants respectfully contend that Liu, col. 19, line 57 - col. 20, line 14 does not disclose “storing an authentication key in a memory of a recipient of the electronic mail at an address that is dependent upon a source identifier that identifies an originator of the

electronic mail”. In particular, Liu, col. 19, line 57 - col. 20, line 14 teaches that the recipient uses a private key to extract a public key from a package received from the originator, and that the recipient stores the public key temporarily. However, Liu, col. 19, line 57 - col. 20, line 14 does not teach that the recipient stores the public key “at an address that is dependent upon a source identifier that identifies an originator of the electronic mail”. In fact, Liu does not disclose at all how the address used for storing the public key is determined. Therefore, the Examiner’s argument is not persuasive.

In addition, Applicants respectfully contend that the Examiner’s argument for modifying Lindeman with the alleged teaching of Liu is not persuasive. The Examiner argues: “At the time of the invention it would have been obvious to a person of ordinary skill in the art to store the authentication key of the modified Lindeman and Leeds system in an address dependent upon a source identifier of the originator.... Motivation to do so would have been store the information in a recovery database (see Liu et al column 19 line 57 through column 20 line 14).”

In response, Applicants assert that Liu does not teach that the feature of “storing an authentication key in a memory of a recipient of the electronic mail at an address that is dependent upon a source identifier that identifies an originator of the electronic mail” facilitates storing the information in a recovery database.

In further response, Applicants assert that the Examiner’s stated reason for modifying Liu does not have any relationship to Lindeman’s invention and is therefore not an obvious modification of Lindeman.

As a second example of why claim 6 is not unpatentable over Lindeman and Leeds in

further view of Liu, Lindeman in view of Leeds does not teach or suggest the feature: “wherein said determining whether the authentication key is associated with the originator includes: reading the stored authentication key from the address at the memory of the recipient, and comparing the authentication key with the stored authentication key that had been read from the address at the memory of the recipient to determine whether the authentication key is associated with the originator”.

The Examiner alleges that the preceding feature is disclosed in Lindeman, Paragraphs 83-84, 102-103, and 36-37.

In response, Applicants maintain that Lindeman does not disclose said “reading” and furthermore does not disclose said “comparing”. The Examiner has not provided analysis to support the Examiner’s allegation that Lindeman, Paragraphs 83-84, 102-103, and 36-37 teaches said “reading” and said “comparing”. Accordingly, the Examiner has not established a *prima facie* case of obviousness in relation to claim 6.

Based on the preceding argument, Applicants respectfully contend that claim 6 is not unpatentable over Lindeman and Leeds in further view of Liu and is in condition for allowance. Since claims 7 and 16 depend from claim 3, Applicants contend that claims 7 and 16 are likewise in condition for allowance.

In addition with respect to claim 16, Applicants respectfully contend that Lindeman in view of Leeds does not teach or suggest the feature: “wherein the authentication key is dependent upon only an identity of the originator”.

The Examiner argues: “the modified Lindeman, Leeds and Liu system discloses the authentication key is dependent upon only an identity of the originator (see Leeds paragraphs 36 and 37).”

In response, Applicants maintain that the Examiner has not provided motivation from the prior art for modifying Lindeman with the alleged teaching of Leeds with respect to the feature: “wherein the authentication key is dependent upon only an identity of the originator”.

In addition, any such modification of Lindeman would destroy the teaching of the CZID of Lindeman, wherein the CZID is essential to Landman’s invention. See Landman, Paragraph 29 (“The CZID is **necessary** to authenticate the confirmation message” (emphasis added)). Moreover, the CZID is not dependent upon only an identity of the originator. See Landman, Paragraph 31 (“The term “CZID” is an MD5 hash of the original sender address, the original destination address, and a secret string. A valid CZID is used to authenticate a message, the source email address, **and the destination email address** to Spam filter” (emphasis added)). Therefore, the Examiner’s suggested modification of Lindeman would destroy Lindeman’s invention.

Based on the preceding argument, Applicants respectfully contend that claim 16 is not unpatentable over Landman and Leeds in further view of Liu .

Claims 10

Since claim 10 depends from claim 9, which Applicants have argued *supra* to not be unpatentable over Landman under 35 U.S.C. §102(e), Applicants maintain that claim 10 is likewise not unpatentable over Landman and Leeds in further view of Liu under 35 U.S.C.

§103(a).

In addition with respect to claim 10, Applicants respectfully contend that Landman in view of Leeds does not teach or suggest the feature: “reading a flag from a memory of the recipient at an address that is dependent upon a source identifier that identifies the originator, wherein the flag indicates whether the electronic mail from the originator is expected to include the authentication key; and determining from the flag that had been read from the memory whether the authentication key is expected to be present in the open field of the electronic mail”.

The Examiner argues: “As per claim 10, the modified Landman, Leeds, and Liu et al system fails the memory has a flag for determining whether and authentication key is expected.... However, Official Notice is taken that at the time of the invention it would have been obvious to one of ordinary skill in the art to use a flag. Motivation to do so would have been that there are only two possible outcomes.”

In response, Applicants challenge the Examiner’s assertion of Official Notice and request that the Examiner supply adequate evidence to support the Examiner’s allegation that it would be obvious to modify Landman to use a flag. See MPEP 2144.03C (“If Applicant Challenges a Factual Assertion as Not Properly Officially Noticed or not Properly Based Upon Common Knowledge, the Examiner Must Support the Finding With Adequate Evidence.”). Applicants assert that the Examiner provide new grounds of rejection that includes evidence from the prior art to support the modification of including said flag in Landman.

Moreover, the Examiner has not even addressed the specific limitations included in the feature of: “reading a flag from a memory of the recipient at an address that is dependent upon a source identifier that identifies the originator, wherein the flag indicates whether the electronic

mail from the originator is expected to include the authentication key; and determining from the flag that had been read from the memory whether the authentication key is expected to be present in the open field of the electronic mail”. Accordingly, the Examiner has not established a *prima facie* case of obviousness in relation to claim 10.

Based on the preceding argument, Applicants respectfully contend that claim 10 is not unpatentable over Landman and Leeds in further view of Liu.

Claims 11

Since claim 11 depends from claim 9, which Applicants have argued *supra* to not be unpatentable over Landman under 35 U.S.C. §102(e), Applicants maintain that claim 11 is likewise not unpatentable over Landman and Leeds in further view of Liu under 35 U.S.C. §103(a).

In addition with respect to claim 11, Applicants respectfully contend that Landman in view of Leeds does not teach or suggest the feature: “reading the stored authentication key from the address at the memory of the recipient, and comparing the authentication key with the stored authentication key that had been read from the address at the memory of the recipient to determine whether the authentication key is associated with the originator”.

The Examiner alleges that the preceding feature is disclosed in Landman, Paragraphs 83-84, 102-103, and 36-37.

In response, Applicants maintain that Landman does not disclose said “reading” and furthermore does not disclose said “comparing”. The Examiner has not provided analysis to support the Examiner’s allegation that Landman, Paragraphs 83-84, 102-103, and 36-37 teaches

said“reading” and said “comparing”. Accordingly, the Examiner has not established a *prima facie* case of obviousness in relation to claim 11.

Claims 19

Since claim 19 depends from claim 9, which Applicants have argued *supra* to not be unpatentable over Landman under 35 U.S.C. §102(e), Applicants maintain that claim 19 is likewise not unpatentable over Landman and Leeds in further view of Liu under 35 U.S.C. §103(a).

In addition with respect to claim 19, Applicants respectfully contend that Landman in view of Leeds does not teach or suggest the feature: “wherein the authentication key is dependent upon only an identity of the originator”.

The Examiner argues: “the modified Landman, Leeds and Liu system discloses the authentication key is dependent upon only an identity of the originator (see Leeds paragraphs 36 and 37) .”

In response, Applicants maintain that the Examiner has not provided motivation from the prior art for modifying Landman with the alleged teaching of Leads with respect to the feature: “wherein the authentication key is dependent upon only an identity of the originator”.

In addition, any such modification of Landman would destroy the teaching of the CZID of Landman, wherein the CZID is essential to Lindeman’s invention. See Landman, Paragraph 29 (“ The CZID is **necessary** to authenticate the confirmation message” (emphasis added)). Moreover, the CZID is not dependent upon only an identity of the originator. See Landman, Paragraph 31(“The term "CZID" is an MD5 hash of the original sender address, the original

destination address, and a secret string. A valid CZID is used to authenticate a message, the source email address, **and the destination email address** to Spam filter” (emphasis added)). Therefore, the Examiner’s suggested modification of Lindeman would destroy Lindeman’s invention.

Based on the preceding argument, Applicants respectfully contend that claim 19 is not unpatentable over Landman and Leeds in further view of Liu.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account 09-0457.

Date: 06/01/2006

Jack P. Friedman
Jack P. Friedman
Registration No. 44,688

Schmeiser, Olsen & Watts
22 Century Hill Drive - Suite 302
Latham, New York 12110
(518) 220-1850